



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2105254  
**Applicant Name:** 31<sup>st</sup> Avenue Associates LLC  
**Address of Proposal:** 12328 31<sup>st</sup> Avenue N.E.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of a six story building containing 710 square feet of retail space, 1,755 square feet of administrative offices, and 50 residential units. Parking to be provided for 65.5 vehicles in three levels of partially below-grade garage.

The following approvals are required:

**SEPA - Environmental Determination** – Chapter 25.05 SMC

**Design Review** – Chapter 23.41 SMC - Numerous Design Departures

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
   ☒ DNS with conditions  
   ☐ DNS involving non-exempt grading, or demolition,  
   or involving another agency with jurisdiction.

\* Early DNS Notice published February 7, 2002

**BACKGROUND DATA**

*Site and Area Description*

Located on the east side of 31<sup>st</sup> Avenue N.E., one block off of Lake City Way N.E. between N.E. 123<sup>rd</sup> and N.E. 125<sup>th</sup> Streets, the relatively flat site is currently an asphalt paved parking lot used by Children's Hospital staff until recently when their administrative offices in Lake City were

relocated to Sand Point Way NE. Within the Lake City Civic Hub, an area of commercial as well as civic uses, the site lies in walking distance of a branch library, a community center, a neighborhood service center, a fire station and a post office. The Lake City core has bank branches, car dealerships, restaurants, and other retail uses. Several taverns/restaurants, an auto body shop and a travel agency are located on 31<sup>st</sup> Avenue N.E. To the north of the site are a restaurant and a bank. Immediately to the south is a two-story auto body shop. Across the street to the west are one-story taverns.

Three new mixed use buildings lie within close proximity of the site. On the corner of N.E. 125<sup>th</sup> and Lake City Way is a seven-story mixed-use building with commercial space on the first two floors. Five stories of residential units rise above it. A block north, the Solar, a large six-story mixed-use building extends along Lake City Way. Under construction at the northeast corner of NE 123<sup>rd</sup> Street and 31<sup>st</sup> Ave. N.E. is a third residential building approximately 155 feet from the subject site. Other older multi-family buildings lie nearby. Most are three or four stories without significant architectural features. Single family and multi-family residential structures back onto an alley as does the proposal site.

Neighborhood Commercial represents the primary zoning classification in the Lake City core. The site's zone NC3-85 permits an 85 foot height, the tallest in the area, which extends along the east side of 31<sup>st</sup> Avenue N.E. To the east, the two triangular pieces of land shaped by the confluence of Lake City Way NE and 30<sup>th</sup> and 31<sup>st</sup> Avenues NE, allow a maximum height of 65 feet. Zoning classifications change to residential at 33<sup>rd</sup> Avenue NE and 28<sup>th</sup> Avenue NE, Low-rise Three (L3) and Mid-rise (MR) respectively. The NC zoning permits a mixed-use building in which commercial uses may potentially occupy 100 percent of the street level and residential use may be constructed over the commercial use at a potential lot coverage of 64 percent.

### Proposal Description

The proposed mixed-use building includes commercial space fronting 31<sup>st</sup> Avenue N.E., five and one half floors of residential units above the commercial space, and three levels of partially below-grade parking. The applicant proposes a total of 50 multi-family units, 65.5 parking spaces, and 2,465 square feet of commercial space. An alley to the east will provide access to the parking garage.

### Public Comments

The majority of comments focused on the elimination of on-street parking in the area by the City's Department of Transportation which requires right-of-way improvements along 31<sup>st</sup> Ave. NE. Businesses fronting on Lake City Way NE rely upon the on-street parking behind their buildings for customer use. Other businesses on the east side of 31<sup>st</sup> Ave. NE also rely on street parking.

The North District Neighborhoods Stewardship committee's letter addressed the proposal's use of landscaping, façade materials, and canopies. At the Early Design Guidance meeting, three members in attendance voiced the following concerns. After reading from *The Plan for the Neighborhoods of the Lake City Community 1999-2014*, a resident, who participated in the recent planning process, stated that she favored commercial uses along 31<sup>st</sup> Avenue. It was her impression that nothing in the planning process or the document supports residential

development at the street level. In this area, the planning effort envisioned a major transit stop across the street from the site and that commercial development on the street level was the more appropriate use. Other comments focused on maintaining the eclectic nature of Lake City's commercial area. The short street and the alley potentially provide a sense of intimacy and human scale that the neighborhood organizers appreciate and wish to enhance.

Other issues that citizen's brought to attention were the need for street trees and street lighting to promote safety. An individual representing the North District Stewardship Committee voiced the following recommendations:

- Place entrances on all sides of the structure;
- Use generous amounts of brick;
- Avoid using metal on the exterior, Lake City already has too many buildings with metal on them;
- Use brick, tiles, split faced concrete masonry unit (CMU) rather than poured concrete;
- Install wider sidewalks with seating and plantings;
- Plant something other than Boston ivy on the trellises and walls; and
- Ensure that the recessed commercial entrances are safe.

## **ANALYSIS-DESIGN REVIEW**

### **Design Guidelines Priorities**

The project proponents presented their initial ideas at an Early Design Guidance meeting on November 5, 2001 then returned to the North East Board for a Preliminary Recommendation meeting on June 17, 2002. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design. Notes from the second meeting are italicized.

#### **A. Site Planning**

**A-2 Streetscape Compatibility. The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.**

**A-3 Entrances Visible from the Street. Entries should be clearly identifiable and visible from the street.**

Although the commercial entrances are recessed from the street, safety concerns should be addressed by the use of appropriate lighting and the extensive use of glazing along 31<sup>st</sup> Avenue NE.

**A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.**

The Board reaffirmed its previous suggestions.

*This area has a great deal of development potential. There are already several sizable mixed use projects in the planning stages. In order to ensure that this mixed-use node continues to redevelop, the developers should ensure that the landscaping and the design of street furniture appeal to pedestrian users. The project developers have an opportunity to initiate an exciting neighborhood context by integrating the public right-of-way improvements with a commercial storefront design.*

**A-6 Transition Between Residence and the Street. For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.**

For the next meeting, the Board requests a presentation of detail drawings showing how the building elements add up to encourage a sense of community.

*The Design Review Board strongly recommends that the proposed design create a charming streetscape that somehow evokes the eclectic quality of Lake City Way.*

**A-7 Residential Open Space. Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.**

Not all units have direct access to open space. While some residents have terraces or balconies, tenants of the smaller upper level units must use the roof garden for their open space. The development team relies on the roof garden for common open space.

*All common spaces must be truly common. The Board does not want to see residential open spaces that will be easily divided up with the installation of planters soon after the occupants settle into the building. The Board members also request a planting plan for the next meeting.*

**A-8 Parking and Vehicle Access. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.**

*The Board praised the use of the alley for access to the parking garage.*

**B. Height, Bulk and Scale**

**B-1 Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.**

See elevations.

*The Board seeks a well modulated and interesting building. Bauhaus' and mid-century modernism's use of clean lines and geometric purity (shown in the photos that the architects presented) appealed to the Board members. They hope to see this carried through in the proposed design.*

**C. Architectural Elements and Materials**

**C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

Just as the architects used a mid-century streamlined, auto influenced design as a point of departure for the proposed structure on nearby N.E. 125<sup>th</sup> Street, the team uses another icon of the modernist movement, the paintings of artist Piet Modrian, to influence its design. The window detailing evokes the artist's hard lines and balanced geometries. This aesthetic should be carried through to other design elements: the detailing of the concrete base, the lighting fixtures, signage, planters etc. Augmenting the basic design concept will heighten the building's presence.

*Given the ambitious plans of the developer and architect to create three new structures in the immediate area, the development team has an opportunity to create a new context. Nothing currently on the block is so architecturally important that it requires design deference. The Board liked the architect's idea of aesthetically tying the three development projects together.*

**C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.**

The storefronts need more detail. Transferring the qualities of Mondrian's painting to a building requires an attention to detail. It is not enough to score the concrete and jazz up the window mullions. Each component on the exterior should reflect the painter's design aesthetic. Use of primary colors and the design or choice of railings, lighting, signage etc will enhance the concept.

*The Board strongly recommended that the architect pay particular attention to this design issue. The structure will likely be the area's tallest structure until others in the same zone are built. The design of the architectural elements comprising the storefronts are of critical importance to creating a sense of human scale.*

**C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The choice of upper level materials and colors fails to match the ideas broached at the street level. A more convincing design would present a unified concept. The Board, however, liked the bronze colored bays and the deep red, wood bands.

*The Board wants to see an attention to detailing. In particular, the concrete base must be articulated with the use of other materials. For example, the base may have tile or glass insets. Artwork could also be incorporated into the base.*

**D. Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-orientated open space should be considered.

*See A-4.*

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The architect proposed trellises on the lower south elevation.

*The proposed design for the base will be highly scrutinized by the Board. The proponents will need to mitigate any blank concrete base (e.g. use of trellises, form boarding to create reveals etc.). The street frontage should be no less than enchanting.*

**D-5 Visual Impacts of Parking Structure.** The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.

A terrace will overlook the alley and the two entrances to the parking garage. Planting on the terrace level should help provide some greenery along the alley. The garage entries will be recessed.

*The alley elevation should not be ignored. The neighborhood planning process has indicated the importance of alley design and the desire to create pedestrian friendly walkways.*

**D-6 Screening of Dumpsters, Utilities and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

**D-7 Personal Safety and Security.** Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The deeply recessed 31<sup>st</sup> Ave. N.E. entries will need appropriate lighting to ensure security.

*The safety of those who live, work or shop in the building is paramount. Adequacy of lighting and open space will be reviewed carefully. Both the alley and 31<sup>st</sup> Avenue N.E. need special attention.*

## **E. Landscaping**

**E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

Two foot deep planters will frame the entrances along 31<sup>st</sup> Ave. N.E. No street furniture or changes in paving material have been proposed.

*The proponents have an opportunity to set a neighborhood wide design standard along the streetscape. The architect mentioned that terraces would be designed along the street frontage. These terraces will require a planting plan for the next meeting.*

### **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on January 18, 2002.

### **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation meeting on September 9, 2002, to review the applicant's formal project proposal developed in response to the previously identified priorities. At this public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the members' consideration.

#### **Development Standard Departures**

The applicant requested departures from the following standards of the Land Use Code:

1. **Residential Lot Coverage.** Above 13 feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to maximum lot coverage of 64 percent.
2. **Open Space.** A minimum of 20 percent of the structure's total gross residential floor area shall be open space.
3. **Landscaping.** The amount of landscaping must equal five percent of the lot area.

#### **Public Comments**

Four members of the community attended the Recommendation Meeting. The elimination of on-street parking spaces and traffic circulation difficulties due to current and future construction activity troubled several of the business owners who need parking and unencumbered traffic for their customers. An individual questioned the extensive use of metal and expressed a desire for muted exterior colors. Some people have objected to loud colors and excessive use of metal on the Solara project nearby on Lake City Way N.E.

#### **Recommendations**

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-orientated open space should be considered.

*The Board stated that the benches placed in the right-of-way did not qualitatively enhance the pedestrian area. The Board requested that better quality finishes and artistic tiles at the commercial and residential entrances be added.*

**E-2 Landscaping to Enhance the Building and/or Site.** Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

*The Board requested that the architect add interesting tile patterns to the floor of the storefronts' and apartment's exterior entry vestibules. The tile and the patterns may echo the tile pattern proposed for the planters. In addition, the Board asked the project proponents to meet with the Lake City neighborhood group to ensure that the design meets the pedestrian orientation that the neighborhood group seeks.*

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the September 9, 2002 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the August 19<sup>th</sup> public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members unanimously recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below).

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Residential Lot Coverage	Maximum lot coverage over 13' height is 64%.	Request for 64.9% (7,130gsf).	▪ Slight increase.	APPROVED
2. Open Space	A minimum of 20 percent of the structure's total gross residential floor area shall be open space.	17.4 percent of the gross residential floor area (6,503 sq. ft.).	▪ Addition of nicer materials in public spaces.	APPROVED
3. Landscaping	An amount of landscaping equal to 5% of the lot area.	Request for 2.8%	▪ High grade planting materials.	APPROVED

The Board recommended the following three **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. The proposed bench in the right-of-way shall be removed. (D-1/E-2)



2. The development team shall meet with the Lake City neighborhood organization to provide a project update and to continue a dialogue concerning street presence and construction activity. (E-2)
3. The floor area of each storefront vestibule and of the residential lobby shall have a decorative tile pattern. The tiles may use the same pattern and elements designated for the exterior planters if desired. A color drawing of the proposed design shall be submitted to the project planner for review and approval. (D-1/E-2)

### **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director is bound by a four vote consensus approval of the design and requested design departures, except in certain cases, in accordance with Section 23.41.014.F.3. These exceptions are limited to inconsistent application of the guidelines, exceedance of the Board's authority, conflicts with SEPA requirements, or conflicts with state or federal laws. The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the condition recommended by four Board members and the recommendation to approve the design, as stated above.

### **DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**.

### **ANALYSIS-SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated January 18, 2002) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

### **Short-term Impacts**

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased

particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

### Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as these listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Stacking the building with remote operating crane or fork lift.
- C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

### Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

### Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DCLU Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DCLU building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 17 feet and will consist of approximately 1,225 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or

from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Traffic and Parking

Excavation and fill activity will require 122 round trips with 10-yard hauling trucks or 61 round trips with 20-yard hauling trucks, which are the standard for this size of undertaking. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Construction of the project is proposed to last approximately 17 months. Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction will reduce the supply of parking in the vicinity. Due to the large scale of the project, the improvements to the alley and street rights-of-way, and the construction of a similar project 155 feet away, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. It is estimated by the developers that at peak construction, a maximum of 30 workers will be on-site. In order to minimize adverse impacts, all of the 30 construction workers will be required to park off-street for the duration of construction. As soon as the parking garage is completed, the construction crew may park within the structure. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

### Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that multifamily (apartments) projects generate approximately .62 average vehicle trips in the P.M.

peak period per unit. Based on these estimates, the 50 residential units in the mixed-use building would result in 31 trips for the mixed use structure.

The commercial component of the mixed-use structure would generate 4.93 vehicle trips in the P.M. peak hour per 1,000 square feet of gross leaseable area. This amounts to approximately 12 trips. By combining the commercial and the residential trips, a total of 43 trips would occur in the afternoon peak hour. In sum, 43 new residential and commercial peak period trips would be added to the neighboring streets. The new trips added to the p.m. peak traffic will not seriously affect operations of the intersections at NE 125<sup>th</sup> Street and 31<sup>st</sup> Avenue NE and NE 123<sup>rd</sup> Street and 31<sup>st</sup> Ave. NE, so no SEPA mitigation of traffic impacts to this intersection are warranted.

Garage entrance to the 50 residential units in the mixed-use building and will occur from an alley with points of access from NE 123<sup>rd</sup> Street and 32<sup>nd</sup> Avenue NE.

### Parking

The proposed 65.5 parking spaces (63.5 residential and two commercial spaces) exceed the Land Use Code requirement for on-site parking. The on-site parking supply is anticipated to adequately meet the demands of the project. No mitigation of parking impacts is necessary pursuant to SEPA. The retail commercial use, comprising approximately 2,465 square feet, will likely attract customers from the neighborhood. On-street parking is available on 31<sup>st</sup> and 32<sup>nd</sup> Avenues N.E. as well as NE 123<sup>rd</sup> Street. DCLU has determined that during the day there are adequate on-street parking spaces available to accommodate the small demand that residential and commercial uses of this size would likely produce. The Land Use Code generally does not require parking for the first 2,500 square feet of commercial uses.

Chapter 23.54 of the Land Use Code addresses parking requirements. In addition, subsection 25.05.675.M of the City's Environmental Policies and Procedures addresses parking impacts, as follows:

*Parking policies designed to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are included in the City's land use policies and implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb any additional parking spillover.... It is the City's policy to minimize or prevent adverse parking impacts associated with development projects. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decision-maker may condition a project to mitigate the effects of development in an area on parking; provided, that... parking impact mitigation for multifamily development may be required only where on-street parking is at capacity as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.*

The project as a whole provides 63.5 parking spaces for 50 residential units, which meets zoning requirements. However, anticipated demand for parking in a multi-family project with numerous studio units is 1.4 spaces per unit, which would result in a need for parking for 70 vehicles. A review of the parking conditions by DCLU staff indicates that enough on-street parking spaces in the evening will accommodate the "spillover" parking of six to seven vehicles based on the

difference between the amount of parking available in the proposed project and projected demand.

### Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS-DESIGN REVIEW**

#### Prior to Issuance of a Master Use Permit

Revise plans according to the following conditions:

1. Remove the proposed bench in the right-of-way from the MUP drawings.
2. Add a decorative tile pattern to the floor area of each storefront vestibule and of the residential lobby. The tiles may use the same pattern and elements designated for the exterior planters if desired. A color drawing of the proposed design shall be submitted to the project planner for review and approval.

#### Prior to Issuance of a Construction Permit (Non-appealable Condition)

3. Meet with the Lake City neighborhood organization to provide a project update and to continue a dialogue concerning street presence and construction activity.

#### Non-Appealable Conditions

1. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DCLU planner assigned to

this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

2. Embed in the cover sheet, the Design Review and SEPA conditions contained in this decision into all drawings including updated MUP plans, and all building permit drawings.

### **CONDITIONS-SEPA**

#### *Prior to Issuance of a Demolition, Grading, or Building Permit*

The owner(s) and/or responsible party (-ies) shall:

1. Provide a general construction schedule to the DCLU Land Use Planner for review and approval. The schedule must include the proposed truck staging, identification of haul routes and times at which all demolition and/or grading materials will be removed from the site, deliveries and service of equipment will be conducted, and all other construction activities which may have an adverse impact on the adjacent uses.
2. Provide a covenant or lease for 30 off-site parking spaces for construction workers. These spaces shall be utilized until the on-site parking garage can be used (based on approval from the building inspector.).

#### *During Construction*

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

3. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M and on Sundays from 10:00 A.M. to 5:00 P.M.:
  - A. Surveying and layout.
  - B. Stacking the building with remote operating crane or fork lift.
  - C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).

- D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
4. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DCLU prior to each occurrence.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and would not be subject to the additional noise mitigating conditions.

5. Parking for construction workers shall be provided off-street during the duration of construction. As soon as the lower garage is complete, workers may utilize the garage.

Signature: (signature on file) Date: April 28, 2003

Bruce P. Rips, AICP, Project Planner  
Department of Design, Construction and Land Use  
Land Use Services